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EXAMINER

LY, NGHI H

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2686

DATE MAILED: 09/22/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,013

Applicant(s)

STEFAN ET AL.

Examiner

Nghi H. Ly

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's admitted prior art in view of Stewart (US 6,546,257).

Regarding claims 1, 9 and 17, the Applicant's admitted prior art teaches a method of providing information to a mobile vehicle user (see Applicant's background of the invention page 1, lines 12-20, see "mobile vehicle user").

The Applicant's admitted prior art does not specifically disclose receiving broadcast information at the mobile unit, wherein the broadcast information comprises

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information location coordinate data, determining whether the information location coordinate data resides within a convex hull and presenting the broadcast information to the mobile user based on the determination.

Stewart teaches receiving broadcast information at the mobile unit (see Abstract, and column 1, line 65 to column 2, line 7), wherein the broadcast information comprises information location coordinate data (see column 2, lines 3-7), determining whether the information location coordinate data resides within a convex hull and presenting the broadcast information to the mobile user based on the determination (see column 2, lines 58-67, in Stewart, the "a predetermined location" reads on Applicant's "a convex hull").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Stewart into the system of the Applicant's admitted prior art order to provide geographically relevant information based on the evaluation (see Stewart, column 1, lines 9-10).

Regarding claims 2 and 10, the Applicant's admitted prior art further teaches the broadcast information is received from a broadcast service selected from a group consisting of a radio data service (see Applicant's background of the invention page 1, lines 12-20), a radio broadcast data service (see Applicant's background of the invention page 1, lines 12-20), a satellite broadcast service (see Applicant's background of the invention page 1, lines 12-20), a radio broadcast service (see Applicant's background of the invention page 1, lines 12-20), and a wireless communications broadcast service (see Applicant's background of the invention page 1, lines 12-20).

Regarding claims 3 and 11, the Applicant's admitted prior art teaches GPS (see Applicant's background of the invention page 1, lines 12-20). The Applicant's admitted prior art does not specifically disclose the information location coordinate data comprises a longitude and a latitude associated with the broadcast information.

Stewart teaches the information location coordinate data comprises a longitude and a latitude associated with the broadcast information (Stewart, column 7, lines 18-21 see "longitude" and "latitude").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Stewart into the system of the Applicant's admitted prior art so that position can be precisely located.

Regarding claims 4, 12 and 18, the Applicant's admitted prior art teaches recording a plurality of vehicle location coordinates (Applicant's background of the invention page 1, lines 12-20, see "GPS"). The Applicant's admitted prior art does not specifically disclose generating the convex hull from the recorded vehicle location coordinates.

Stewart teaches generating the convex hull from the recorded vehicle location coordinates (see Stewart, column 2, lines 14-19 and column 3, lines 1-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Stewart into the system of the Applicant's admitted prior art order to provide geographically relevant information based on the evaluation (see Stewart, column 1, lines 9-10).

Regarding claims 5, 13 and 19, the combination of the Applicant's admitted prior art and Stewart further teaches updating the convex hull based on a coordinate input (Stewart, column 1, lines 5-10 see "location as a function of time").

Regarding claims 6 and 14, the combination of the Applicant's admitted prior art and Stewart further teaches the coordinate input is selected from a group consisting of a current vehicle location coordinate (Applicant's background of the invention page 1, lines 12-20, see "GPS"), a previous vehicle location coordinate (Applicant's background of the invention page 1, lines 12-20, see "GPS" and see Stewart, column 3, lines 1-8), a recorded vehicle location coordinate input (Applicant's background of the invention page 1, lines 12-20, see "GPS" and see Stewart, column 3, lines 1-25), a collection period (see Stewart, column 3, lines 1-25), a collection frequency (see Stewart, column 2, lines 1-7), a vehicle location coordinate retention period (Applicant's background of the invention page 1, lines 12-20, see "GPS" and see Stewart, column 3, lines 1-25), a global positioning service quality indicator (see Stewart, column 7, lines 18-21), and a user location coordinate input (see Stewart, column 2, lines 1-7).

Regarding claims 7, 15 and 20, the Applicant's admitted prior art teaches sending the broadcast information to a presentation device Applicant's background of the invention page 1, lines 12-20). The Applicant's admitted prior art does not specifically disclose transferring the broadcast information to a vehicle presentation manager, rendering the broadcast information with the vehicle presentation manager, and sending the broadcast information to a presentation device.

Stewart teaches transferring the broadcast information to a vehicle presentation

manager (see column 1, line 65 to column 2, line 7), rendering the broadcast information with the vehicle presentation manager (see column 1, line 65 to column 2, line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Stewart into the system of the Applicant's admitted prior art order to provide geographically relevant information based on the evaluation (see Stewart, column 1, lines 9-10).

Regarding claims 8 and 16, the combination of the Applicant's admitted prior art and Stewart further teaches the presentation device is selected from a group consisting of a visual display, an audio device, and an audio-visual display device (see Stewart, column 7, lines 55-60).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Snyder (US 5,649,300) teaches message delivery system and method therefor.
- b. Stewart (US 6,697,018) teaches method and apparatus for geographic-based communications service.
- c. Marko (US 6,686,880) teaches method and apparatus for promoting a reverse channel response form receiver in a digital broadcast system.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

(dl)
09/15/04

Marsha D. Banks-Harold

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